REMARKS / ARGUMENTS

The action by the Examiner of this application, together with the cited references, has been given careful consideration. Following such consideration, claims 4, 6, and 16 have been canceled, claims 2-3, 7-9, 11-13, and 18 remain unchanged, and claims 1, 5, 10, 14-15, and 17 have been amended to define more clearly the patentable invention Applicants believe is disclosed herein. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

As the Examiner well knows, the present invention is generally directed to a container for holding items to be microbially deactivated in a reprocessor. Conventional containers for holding items to be microbially deactivated include a base portion and a lid portion. Typically, a resilient seal element is disposed such that when the base portion is engaged with the lid portion, the seal element contacts both the base and the lid thereby forming a seal. A conventional seal formed in this manner separates a cavity defined within a conventional container from the external surface of the container.

The present invention provides a container for holding items to be microbially deactivated in a reprocessor. The container includes a tray, i.e., a base, and a lid. A first rigid seal element is defined on the base and a second rigid seal element is defined on the lid. The first and second rigid seal elements include continuous, spaced-apart, interlocking rail-like projections. The first seal element is disposed along an upper edge of the tray. The second seal element is disposed around the perimeter of the lid. When the lid is attached to the tray, the rigid seal elements interlock but do not contact each other. In this respect, the rigid seal elements of the present invention are spaced apart such that they define a U-shaped channel that extends continuously around the container. Because the seal elements are spaced apart and do not contact each other, a convoluted path is defined between the cavity and the exterior of the container through the U-shaped channel. The U-shaped channel is dimensioned such that a deactivating agent can flow therein. In this respect, the continuous, U-shaped channel defined between the tray and the lid can be microbially deactivated.

It is respectfully submitted that none of the cited references teaches, suggests, or shows a container for holding items to be microbially deactivated in a reprocessor as presently set forth in the claims, or the advantages thereof.

In response to the Examiner's rejections, claims 1, and 10 have been amended. Claim 1 has been amended to indicate that the first and second seal elements include *continuous*, spaced-apart, interlocking rail-like projections. The rail-like projections of the claim 1 are disposed such that a rail-like projection on the lid is disposed between and spaced-apart from two rail-like projections on the tray when the lid is attached to the tray. Claim 10 has been amended to indicate that the seal means of the container of the present invention defines a "*continuous* U-shaped channel" that provides a convoluted path between the cavity and the exterior of the container. The claimed structure allows for a deactivating agent to flow within the U-shaped channel defined between the container and the lid. In this manner, the convoluted, serpentine passage defined between the container and the lid can be microbially deactivated as indicated above.

The claims stand rejected under 35 U.S.C. 102(b) as being anticipated by at least one of U.S. Patent No. 6,343,612 to Dahl; U.S. Patent No. 4,783,321 to Spence; U.S. Patent No. 4,919,888 to Spence; and U.S. Patent No. 5,641,065 to Owens et al.

The Dahl '612 reference discloses an apparatus for cleaning and storing children's pacifiers. The disclosed apparatus includes a compartment that is sealable by a threaded lid. As defined in The New Oxford American Dictionary (second edition, 2005), threads are helical ridges on the outside of an object or on the inside of a cylindrical hole to allow two parts to be screwed together. Thus any channel or grove formed by the threaded surfaces disclosed in Dahl would not be continuous. Rather such a channel would be helical and would "spiral" from a first end to a second end.

The Spence '321 reference discloses a sterilization container system for sterilizing surgical instruments. The container system includes a lid that is securable to a base. A channel for receiving a gasket is provided along the upper edge of the base. The gasket is resilient and is dimensioned to contact both the lid and the base when the lid is attached to the base. In this manner the gasket blocks the passage of fluid from a cavity within the container to surfaces

external to the container. A second channel 104 is defined between inner and outer walls 82 and 84 of the base. Channel 104 is not continuous and is interrupted by base recesses 102.

The Spence '888 references discloses a sterilization container system that includes a base, a lid, and a gasket. The lid includes a gasket lip dimensioned to fit within the channel defined on the base. The gasket is disposed within a channel that is defined around a top edge of the base. The gasket is dimensioned to contact the base and the gasket lip when the lid is attached to the base. When the lid is attached to the base, the lid, the gasket lip, and the gasket are engaged such that a deactivating agent cannot flow therebetween.

The Owens et al. '065 reference discloses a storage container for receiving surgical instruments and containing a cleaning solution. The surgical container includes a base, a lid, and a resilient seal. The resilient seal is attached to the lid and is dimensioned to extend into a channel defined on the base. When the lid is attached to the base, the seal contacts surfaces of the base within the channel such that a deactivating fluid cannot flow therein.

None of the cited references teaches, suggests, or shows the present invention as defined by the claims. None of the references teaches, suggests, or shows a lid and a tray having seal elements formed thereon wherein a convoluted path is defined between the seal elements. None of the references teaches, suggests, or shows a container where a convoluted path is defined through a continuous U-shaped channel. Regarding claim 1, none of the references teaches, suggests, or shows first and second seal elements that include continuous, spaced-apart, interlocking rail-like projections disposed such that they are spaced apart when the lid is attached to the tray. Regarding claim 10, none of the cited references teaches, suggests, or shows "a continuous U-shaped channel that provides a convoluted path between said cavity and the exterior of said container." In contrast, the seals of the cited references all have engaging surfaces that are in tight contact with each other such that fluid cannot flow therebetween. As described above, the seal elements of the present invention define a U-shaped gap through which microbial deactivation fluid can flow thereby microbially deactivating the convoluted, serpentine passage defined between the tray and a lid.

The cited references made of record and not relied upon have also been reviewed. It is respectfully submitted that none of these additional references teaches or suggests the applicants' invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

It should be noted that an **Information Disclosure Statement (IDS)** accompanies this Response. The Examiner is respectfully requested to consider the references cited therein.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8726US.

Respectfully submitted,

Date: **April 18, 2006**

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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: **April 18, 2006**

Laura K. Cahill